

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-21 are pending; Claims 1 and 8 are amended and no claims are newly added or canceled herewith. As support for the present amendment may be found, at least for example, in the specification at page 6, lines 14-23, it is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 1, 2, 8, and 9 were rejected under 35 U.S.C. §102(b) as anticipated by Viltro et al. (U.S. Pat. No. 5,837,005, hereafter Viltro); Claim 15 was rejected under 35 U.S.C. §103(a) as unpatentable over Viltro in view of Ono et al. (WO 99/511174, hereafter Ono); and Claims 16-18 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Viltro. Claims 3-7, 10-14, 19, and 21 are allowed.

Applicants gratefully acknowledge the allowance of Claims 3-7, 10-14, 19, and 21.

With regard to the rejection of Claims 1, 2, 8, and 9 under 35 U.S.C. §102(b) as anticipated by Viltro, that rejection is respectfully traversed.

Independent Claims 1 and 8 recite in part, “said outermost base sheet being permanently fixed to said hair warming tool.”

The outstanding Office Action cited release paper 36 of Viltro as “an outermost base sheet.” However, the release paper 36 of Viltro is clearly adapted to be *easily removable*, so that adhesive 34 may be attached to an article of clothing.¹ Accordingly, release paper 36 of Viltro is not “said outermost base sheet being *permanently fixed* to said hair warming tool,” as recited in Claims 1 and 8.

Accordingly, as Viltro fails to disclose or suggest the outermost base sheet recited in independent Claims 1 and 8, it is respectfully submitted that Claims 1 and 8 (and Claims 2, 9,

¹See Viltro, column 4, lines 15-24.

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15-18, and 20 dependent therefrom) patentably distinguish over Viltro. It is therefore respectfully requested that this rejection be withdrawn.

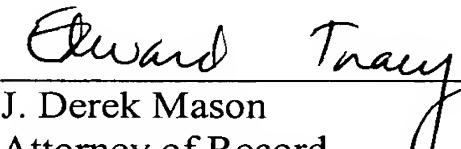
Regarding the rejection of Claim 15 under 35 U.S.C. §103(a) as unpatentable over Viltro in view of Ono, that rejection is respectfully traversed.

As noted above, Viltro fails to disclose or suggest the outermost base sheet of Claim 1, from which Claim 15 depends. Ono describes a steam generating pad 10A with a moisture permeable outer bag 4. Thus, Ono explicitly teaches away from having an outermost base sheet comprising a water resistant material, as recited in Claim 1, from which Claim 15 depends. Since neither Viltro nor Ono, either alone or in combination, teaches or suggests each and every element of Claim 1, Claim 15 is patentable over Viltro and Ono.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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